

## REMARKS

Claims 53, 54, and 58 have been amended. Claims 34-58 are pending in the present application.

Claims 53, 54, and 58 have been amended to make the claim language consistent with the description in the specification. The amendments to these claims have not been made in response to any prior art rejections.

The Examiner rejected claims 34, 37-43 and 45-48 under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,790,536 (*Mahany*). The Examiner rejected claim 44 under 35 U.S.C. § 103(a), as being unpatentable over *Mahany* as applied to claim 34 above, and further in view of U.S. Patent No. 5,673,252 (*Johnson*).

Claim 34 is directed to a multi-tiered system for digital radio communication. The multi-tiered system includes a first-tier base station, a first second-tier base station, and a second second-tier base station. Claim 34 specifies that the second second-tier base station is located intermediate the first second-tier base station and the remote unit. *Mahany* at least does not teach this claimed feature. According to the Examiner, the computer terminal 3007 (shown in Figures 28A and 28b of *Mahany*) corresponds to the first second-tier base station, storage terminal 3031 corresponds to a second second-tier base station, and a peripheral device (such as printer 3013 or code reader 3009) corresponds to the remote unit of claim 34.

Contrary to the Examiner's assertion, storage terminal 3001 (*e.g.*, the second second-tier base station) is not coupled intermediate the computer terminal 3007 (*e.g.*, the first second-tier base station) and the printer 3013 or code reader 3009 (*e.g.*, remote unit). *Mahany* describes that the computer terminal 3007 does not use the storage terminal 3031 (*e.g.*, second second-tier base station) to communicate with the printer 3013 or the code reader 3009. To the contrary, *Mahany* teaches that such communication occurs directly with the printer 3013 or code reader 3009 without an intervening or intermediate storage terminal 3031 (*e.g.*, second second-tier base station). See *Mahany*, col. 44, lines 43-51. Thus, the storage terminal 3031 (*e.g.*, second second-tier base station) is not connected intermediate the computer terminal 3007 and the remote unit (*e.g.*, first second-tier base station). Accordingly for at least this reason, claim 34 and its dependent claims are allowable.

Additionally, claim 34 specifies that the host is adapted to control the remote unit through the first-tier base station, the first second-tier base station, and the second second-tier base station. In *Mahany*, the host computer 3011 does not control the peripheral devices, such as the printer 3013 or code reader 3009, through the aforementioned base stations. While *Mahany* (at col. 43, lines 27-31) teaches that the host computer 3011 can print to the printer 3013 through the peripheral LAN (*i.e.*, the access points 3015 or 3017), it fails to teach or disclose a host that controls a remote unit through the first-tier base station, the first second-tier base station, and the second second-tier base station. Moreover, while *Mahany* teaches that either the storage terminal 3001 or terminal 3007 can print to the printer 3013, it does not teach that the host computer 3011 controls the printer through the devices 3015, 3007, and 3031, which the Examiner asserts correspond to the first-tier base station, first second-tier base station, and the second

second-tier base station, respectively. For this additional reason, claim 34 and its dependent claims are allowable.

The other pending claims are also allowable for one or more of the reasons presented above.

In light of the arguments presented above, Applicants respectfully assert that claims 34-58 are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4064 to discuss the steps necessary for placing the application in condition for allowance.

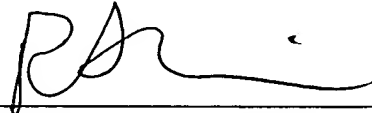
Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.  
CUSTOMER NO. 23720

Date:

5/27/04

By:



Ruben S. Bains, Reg. No. 46,532  
10333 Richmond, Suite 1100  
Houston, Texas 77042  
(713) 934-7000  
(713) 934-7011 (facsimile)  
ATTORNEY FOR APPLICANT(S)